

AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

WAC 463-14-010 Purpose ((of this chapter)). The purpose of this chapter is to publicize significant policy determinations and interpretations by which the council is guided in implementing chapter 80.50 RCW and this title.

AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

WAC 463-14-020 Need for energy facilities--Legislative intent binding. RCW 80.50.010 requires the council "to recognize the pressing need for increased energy facilities." In acting upon any application for certification, the council action will be based on the policies and premises set forth in RCW 80.50.010 ((1), (2), and (3)) including, but not limited to:

(1) Ensuring through available and reasonable methods that the location and operation of such facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life;

(2) Enhancing the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; and

(3) Providing abundant power at reasonable cost.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

WAC 463-14-030 Public meetings and hearings policy for application reviews. ~~((RCW 80.50.090 requires a minimum of two public hearings concerning each site for which certification is sought. The first of these is the local public hearing described in RCW 80.50.090 (1) and (2) where the council is obligated))~~ The council encourages, and will provide for, public participation in its public meetings and hearings during reviews of applications for site certification as afforded by law and rule. The following sets forth the public participation in those meetings and hearings required in RCW 80.50.090.

(1) The public informational hearing as prescribed in RCW 80.50.090(1) shall be held in the county of the proposed site. All persons shall be afforded an opportunity to comment to the council regarding the proposed site.

(2) The public land use consistency hearing as prescribed in RCW 80.50.090(2) shall be held in the county where the proposed site is located to determine whether or not the proposed use of the site is consistent and in compliance with city, county or regional land use plans ((or)) and zoning ordinances at the time of application. ((However, in order to foster general public comment on the proposed site, the council will allow general public comment at such local public hearings, wherever possible. The council must also conduct a second)) If the proposed site is located in more than one county, a land use consistency hearing shall be held in each county. The council shall limit public testimony at this hearing to the issue of consistency and compliance with city, county, or regional land use plans and zoning ordinances.

(3) Although all persons desirous of participating may not be accorded "party" status in the public hearing held as an adjudicative proceeding under chapter 34.05 RCW((. Although all persons desirous of participating may not be accorded "party" status in this proceeding)) prior to preparation of any recommendation to the governor, the council, at times and places designated by the council, upon compliance with reasonable procedures, shall allow any person desiring to be heard ((shall be allowed)) to speak in favor of or in opposition to the proposed ((facility after the close of the evidentiary hearing but prior to preparation of any recommendation to the governor)) site.

(4) The council views the provisions of RCW 80.50.090(4) as

authorizing it to conduct additional public hearings ~~((of either the))~~ as "~~((local))~~ public informational hearings," "public land use consistency hearings" or "adjudicative proceedings." ~~((variety))~~ The council may also hold public meetings concerning the application for site certification.

AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

WAC 463-14-050 Preemption. Chapter 80.50 RCW operates as a state preemption of all matters relating to energy facility sites. Chapter 80.50 RCW certification is given in lieu of any permit, certificate, or similar document which might otherwise be required by state agencies and local governments.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

WAC 463-14-080 EFSEC deliberative process. RCW 80.50.100 requires the council to report to the governor its recommendation ~~((as to the))~~ of approval or rejection of an application for certification. In order for the council to develop such a recommendation, it shall ~~((utilize a deliberative process for analysis and evaluation of an application to determine compliance with the intent and purpose of chapter 463-42 WAC. The council will))~~ use wherever applicable the following deliberative process:

(1) Evaluate an application to determine compliance with chapter 80.50 RCW and chapter 463-60 WAC;

(2) Contract for an independent consultant study of the application~~((An environmental impact statement also will be adopted.~~

~~The council during the deliberative process will)) ;~~

(3) Conduct a review under the State Environmental Policy Act;

(4) Conduct an ~~((extensive public hearing as an))~~ adjudicative proceeding for the presentation of evidence on the application~~((The council will))~~ ;

(5) Conduct one or more sessions for the taking of public testimony concerning the proposed project~~((The council will evaluate)) ;~~

(6) Consider public comments received ~~((as part of the environmental review. The council throughout all of the~~

~~deliberative process will));~~

(7) Consider any laws or ordinances, rules or regulations, which may be preempted by certification.

The council (~~(in open session)~~), when fully satisfied that all issues have been adequately (~~(discussed)~~) reviewed, will consider and by majority decision will act on the question of approval or rejection of an application.

NEW SECTION

WAC 463-14-100 Citations. As used in Title 463 WAC citations to state statutes and regulations include such laws as they now exist or as hereafter amended.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-14-060

Open meetings with full discussion.